

No. 85-568

IN THE

# Supreme Court of the United States

OCTOBER TERM, 1985

NANTAHALA POWER AND LIGHT COMPANY, *et al.*,  
*Appellants,*

v.

STATE OF NORTH CAROLINA *ex rel.*  
UTILITIES COMMISSION, *et al.*,

*Appellees.*

On Appeal from the Supreme Court  
of North Carolina

## JOINT APPENDIX

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JURISDICTIONAL STATEMENT FILED SEPTEMBER 30, 1985  
PROBABLE JURISDICTION NOTED DECEMBER 9, 1985

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**STATEMENT OF OMITTED MATERIALS**

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Opinion of the North Carolina Utilities Commission, dated September 2, 1981 . . . . .	165a
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**CHRONOLOGICAL LIST OF RELEVANT  
DOCKET ENTRIES**

**DOCKET OF THE NORTH CAROLINA  
UTILITIES COMMISSION**

<u>Date</u>	<u>Proceedings</u>
June 14, 1976	Letter of Intent to File an Application for General Increase in Rates and Charges filed with the North Carolina Utilities Commission
November 3, 1976	Application for General Increase in Rates and Charges filed in North Carolina Utilities Commission Docket No. E-13, Sub 29
November 3, 1976	Data Filing
November 3, 1976	Testimony and Exhibits of William M. Jontz filed
November 3, 1976	Testimony and Exhibits of Joseph F. Brennan filed
November 3, 1976	Testimony and Exhibits of Edward C. Oelsner, III filed
November 3, 1976	Testimony and Exhibits of George Popovich filed
November 3, 1976	Testimony and Exhibits of J. Breitling filed
November 3, 1976	Testimony and Exhibits of Robert D. Buchanan filed
November 3, 1976	Testimony and Exhibits of S. R. Clammer filed
November 3, 1976	Information from Accounting (Bob Branch) sent to Accounting dated September 23, 1976

<u>Date</u>	<u>Proceedings</u>
November 10, 1976	Request that Commission not change the test year (Calendar Year 1975) to a later period filed
November 22, 1976	Order Setting Investigation and Hearing, Suspending Proposed Rates, and Requiring Public Notice
November 24, 1976	Order Resetting Hearing
November 24, 1976	Notice of Intervention by Attorney General of North Carolina
November 26, 1976	Order Recognizing Intervention of Attorney General
February 1, 1977	Filing of Resolution of Swain County Board of Commissioners in Opposition to Proposed Rate Increase, and Requesting that Hearing be held in the Nantahala Distribution Area
February 8, 1977	Request for Room Reservation filed
February 10, 1977	Order Changing Location of Hearing
February 10, 1977	Motion by Attorney General for Hearing in Distribution Area filed
February 15, 1977	Room Confirmation for March 15 in Bryson City
February 23, 1977	Testimony and Exhibits of Eugene H. Curtis, Jr. Edwin A. Rosenberg, J. Reed Bumgarner, Andrew W. Williams, N. Edward Tucker and William E. Carter, Jr. filed
March 2, 1977	Order Changing Times and Places of Hearing

<u>Date</u>	<u>Proceedings</u>
March 8, 1977	Protest-Petition mailed
March 9, 1977	Protest Petition mailed
March 22, 1977	Petition to Intervene by the Swain County Board of County Commissioners filed
March 24, 1977	Petition to Intervene by Henry J. Truett filed
March 28, 1977	Petition to Intervene by the Board of Aldermen of the Town of Bryson City filed
April 4, 1977	Transcript of Testimony Volumes III and V mailed
April 6, 1977	Correspondence from Clark Crampton filed
April 8, 1977	Transcript of Testimony Volumes I and II mailed
April 12, 1977	Transcript of Testimony Volume VI mailed
April 19, 1977	Copies of Correspondence from Clark Crampton to Boltch, Griffin (Office of the Attorney General) and Pachnowski, Attorney, Bryson City filed
April 20, 1977	Transcript of Testimony Volumes V and VII mailed
April 21, 1977	Copy of Correspondence to Barbara Simpson, filed
April 22, 1977	Transcript of Testimony Volume IX mailed
May 5, 1977	Correspondence from Commissioners of Jackson County filed

<u>Date</u>	<u>Proceedings</u>
May 5, 1977	Surrebuttal Testimony submitted on behalf of the Office of the Attorney General of North Carolina, and Intervenor Bryson City, Swain County, and Henry Truett
May 9, 1977	Deposition Submitted by Commissioners of Jackson County
May 11, 1977	Memorandum from D. Allen filed
May 12, 1977	Documentation of cases of Land Purchase Foreclosures used for Land Acquisition filed
May 23, 1977	Brief and Proposed Findings of Fact and Conclusions of Law of Intervenor Bryson City and Swain County filed
May 23, 1977	Memorandum from Dwight Allen filed
May 24, 1977	Attorney General's Brief in Opposition filed
May 25, 1977	Brief of Nantahala Power and Light Company filed
May 25, 1977	Brief on Behalf of Intervenor Henry J. Truett filed
June 14, 1977	Order Granting Partial Rate Increases and Denying Motion
July 13, 1977	Filing of Exceptions, Notice of Appeal, and filing of Motion for Further Hearing
July 19, 1977	Order Noting Exceptions and Notice of Appeal for the Records of the Commission and Denying Motion for Further Hearing

<u>Date</u>	<u>Proceedings</u>
July 29, 1977	Motion for Extension of Time for Filing and Record on Appeal filed
August 1, 1977	Order Granting Extension of Time for Filing Record on Appeal
September 8, 1977	Nantahala Comments and Proposed Load Research Study Plan Prepared by Ebasco Services Incorporated filed
October 27, 1977	Attorney General Motion for Additional Extension of Time for Filing Record and Case on Appeal filed
November 1, 1977	Order Allowing Extension of Time for Filing and Settling Record and Case on Appeal
November 28, 1977	Attorney General's Proposed Record on Appeal filed
November 28, 1977	Attorney General Motion for Extension of Time within which Applicant May Serve and File Approval, or Objections or Proposed Alternative Record on Appeal, and for Additional Extension of Time within which to Complete Settlement of Record on Appeal filed
November 30, 1977	Order Allowing Extension of Time
December 9, 1977	Copy of Order Entered by the North Carolina Court of Appeals
January 6, 1978	Nantahala's Alternate Proposed Record on Appeal filed



<u>Date</u>	<u>Proceedings</u>
January 16, 1978	Request for Conference to Settle Record on Appeal Attorney General
January 23, 1978	Order Setting Conference to Settle Record on Appeal
February 3, 1978	Report and Order on Conference to Settle Record on Appeal
February 6, 1978	Transcript of the Conference on Record on Appeal filed
February 20, 1978	Letter from Maurice Horne filed
April 12, 1978	Protest Letter filed
March 27, 1979	Opinion and Judgment from the North Carolina Court of Appeals filed
April 2, 1979	Undertaking to Reimburse filed
April 11, 1979	Certificate of Satisfaction from the North Carolina Court of Appeals filed
August 28, 1979	Notice to Chief Clerk of Prepared Certified Copy of the record in the above case and delivered to Clerk's Office
April 1, 1980	Certification of Judgment Case on Remand
May 9, 1980	Motion for Rehearing before the Full Commission filed on behalf of the Attorney General's Office
May 14, 1980	Motion to Join Alcoa and Tapoco, Inc. as Parties filed on behalf of the Attorney General's Office

<u>Date</u>	<u>Proceedings</u>
May 14, 1980	Motion for Hearing Respecting Applicant's Ability to Refund Possible Overcharges filed on behalf of Attorney General's Office
May 14, 1980	Motion for Prehearing Conference filed on behalf of the Attorney General's Office
May 19, 1980	Certificate of Satisfaction of costs in the Court of Appeals filed
May 19, 1980	Applicant's Response to Motion for Rehearing before the Full Commission filed
May 23, 1980	Order Allowing Extension of Time to File Answers
May 27, 1980	Letter from Aluminum Co. of America, Inc. seeking opportunity to respond to motion with intent to submit response filed
May 27, 1980	Response to motion regarding order granting time to June 4, 1980 to file response to motion to Join Alcoa and Tapoco, Inc. as parties filed
June 4, 1980	Alcoa's Response to Motion to Join Alcoa and Tapoco, Inc. as Parties filed
June 4, 1980	Tapoco, Inc.'s Response to Motion to Join Alcoa and Tapoco, Inc. filed
June 4, 1980	Nantahala Power & Light Company's Response to Motion for Prehearing Conference filed

<u>Date</u>	<u>Proceedings</u>
June 4, 1980	Nantahala Power & Light Company's Response to the Motion for Hearing Respecting Applicant's Ability to Refund Possible Overcharges filed
June 4, 1980	Nantahala Power & Light Company's Response to the Motion to Join as Parties filed
June 24, 1980	Order Setting Motions and Responses for Oral Argument
June 27, 1980	Intervenor's Reply to applicant's response to motion for rehearing before the full commission filed by Attorney General's office
June 27, 1980	Intervenor's reply to applicant's response to motion for refund of possible overcharges filed
July 15, 1980	Letter from Alcor and Tapoco in connection with the supplying of information and witnesses per hearing connected with Court of Appeals and Supreme Court filed
July 29, 1980	Order Setting Hearing and Requiring Data and testimony
July 31, 1980	Answer to applicant to reply to response filed
August 19, 1980	Order scheduling hearing
August 26, 1980	Transcript of Testimony and Oral Argument mailed
August 27, 1980	Public Staff's Notice of Intervention filed

<u>Date</u>	<u>Proceedings</u>
August 29, 1980	Letter on behalf of Intervenor Swain County filed
September 4, 1980	Letter from Attorney General in response to Undertaking to refund filed
September 4, 1980	Letter on behalf of Nantahala in response to Undertaking to refund filed
September 5, 1980	Transcript of Testimony Volume I mailed
September 5, 1980	Transcript of Testimony Volume II mailed
September 5, 1980	Memorandum of Public Staff on Motion to Join as Parties filed
September 8, 1980	Data Presented to be placed in the Official File
September 8, 1980	Official Exhibits filed
September 12, 1980	Order denying motion to modify undertaking
September 16, 1980	Brief of Intervenor and Attorney General filed
September 16, 1980	Intervenor's supplemental brief, in lieu of Oral Argument, that Alcoa and Tapoco be made parties filed
September 16, 1980	List of Exhibits offered during the original hearing which the Attorney General's Office wishes full Commission consideration on motion to join Alcoa and Tapoco as parties filed



<u>Date</u>	<u>Proceedings</u>
September 16, 1980	List and Copy of Certain original hearing exhibits referred to by intervenors filed
September 16, 1980	Letter to Chairman from Aluminum Co. of America and Tapoco, Inc. filed
September 22, 1980	Undertaking to refund filed by Nantahala
September 24, 1980	Additional Brief on Behalf of Tapoco, Inc. filed
September 24, 1980	Additional Brief on Behalf of Aluminum Co. of America filed
September 24, 1980	Motion of Nantahala Power and Light for Extension of Time to Answer Data Request and to Prefile Testimony and Exhibits filed
September 25, 1980	Letter from Attorney General's office in response to letter filed September 19, 1980 filed
September 25, 1980	Tapoco, Inc.'s Response to July 29, 1980 Data Request filed
September 26, 1980	Order Granting Extension of Time and Continuing Hearing
September 29, 1980	Letter from Alcoa to Chairman filed
September 29, 1980	Letter from Public Staff attorney Page in response to Alcoa Letter filed September 29, 1980 filed
October 1, 1980	Statement of Position by Alcoa filed
October 3, 1980	Order issued

<u>Date</u>	<u>Proceedings</u>
October 13, 1980	Order requiring parties Alcoa and Tapoco to comply with data and testimony filings, rescheduling hearing and requiring public notice
October 13, 1980	Letter from Attorney General to Chairman with reasons for request for extension of time filed
October 27, 1980	Joint statement of Exceptions and Motion for Clarification submitted on behalf of Aluminum Company of America and Tapoco, Inc.
November 11, 1980	Response of Intervenors to Alcoa-Tapoco Motion for Clarification filed
November 14, 1980	Response of Public Staff to exceptions and motion for clarification filed
November 18, 1980	Letter to Public Staff from the Attorney for Town of Bryson City regarding the position of letter dated August 19, 1980 filed
December 15, 1980	Data Request Items I-A through I-D (Filed Pursuant to Commission Order of July 29, 1980)
December 15, 1980	Data Request Item I-E; Volume I—Per Books Present Rates (Filed Pursuant to Commission Order of July 29, 1980)
December 15, 1980	Data Request Item I-E; Volume II—Adjusted Present Rates (Filed Pursuant to Commission Order of July 29, 1980)

<u>Date</u>	<u>Proceedings</u>
December 15, 1980	Data Request Item I-E; Volume III—Adjusted at Allowed Rate of Return (Filed Pursuant to Commission Order of July 29, 1980)
December 15, 1980	Tapoco, Inc.'s Report on Valuation and Depreciation of Electric Plant in Service as of Dec. 31, 1975 (Filed Pursuant to Commission Order of July 29, 1980)
December 15, 1980	Tapoco, Inc.'s Primary Work Paper (Filed Pursuant to Commission Order of July 29, 1980)
December 23, 1980	Order clarifying procedures and affirming filing schedules
January 5, 1981	Letter from Mr. Tucker, Hunton & Williams attorney for Nantahala, commenting on text of order dated December 22, 1980 filed
January 15, 1981	Direct Testimony and Exhibits filed (Volume I: Buchanan, Russell, Vander; Volume II: Leininger, Little, Toof; Volume III: Cockrell, Jontz, Popovich)
January 16, 1981	Petition to Intervene of Cherokee, Graham, Jackson Counties; The Towns of Andrews, Dillsboro, Robbinsville, and Sylva; and The Tribal Council of the Eastern Band of Cherokee Indians, filed
January 16, 1981	All Intervenor's Motion to Expunge Data from the Record filed

<u>Date</u>	<u>Proceedings</u>
February 3, 1981	Nantahala's Response to Petition to Intervene filed
February 5, 1981	Intervenor's Motion to Extend Filing of Pre-Filed Testimony and Exhibits to March 9, 1981 filed
February 6, 1981	Response of Tapoco, Inc. and Alcoa to Intervenor's Motion to Expunge Data from the Record filed
February 9, 1981	Response of Nantahala Power and Light Co. to Expunge Data from the Record filed
February 13, 1981	Intervenor's brief in support of Motion to Expunge Data from the Record filed
February 18, 1981	Order granting extension of time to file testimony
July 27, 1981	Letter from Alcoa regarding extension of due date for Proposed Order filed
July 30, 1981	Order Granting Intervenor's Motion Nunc Pro Tunc to include prefiled testimony of J. Bertram Soloman in the Transcript
August 4, 1981	Volume 17A of transcript mailed
August 5, 1981	Respondent's Proposed Order and Requested Findings of Fact and Conclusions of Law filed
August 5, 1981	Respondent's Initial Brief in Support of Respondent's Proposed Order and Requested Findings of Fact and Conclusions of Law filed

<u>Date</u>	<u>Proceedings</u>
August 5, 1981	Intervenor's Brief of the evidence and arguments of law filed by Attorney General's Office and Public Staff Legal Division
August 6, 1981	Nantahala's Proposed Order Affirming Prior Order and Rejecting Roll-In filed
August 7, 1981	Intervenor's Proposed Findings of Fact, Conclusions and Order filed
August 7, 1981	Motion for Leave to File Three Substituted Pages in the Brief of the Intervenor filed
August 19, 1981	Errata Respondents' Proposed Order and requested findings of Fact and Conclusions of Law and Initial Brief in support filed
August 19, 1981	Nantahala Power and Light Company Errata Sheet filed
September 2, 1981	Order reducing rates and requiring refund
September 2, 1981	News Release by Commission
September 10, 1981	Motions by Nantahala Power and Light Company (1) to extend the time in which exceptions to the panel order of September 2, 1981 and notice of appeal therefrom may be filed and (2) to suspend or delay the effective date of decretal portions of said order filed

<u>Date</u>	<u>Proceedings</u>
September 11, 1981	Response of Intervenor to Motions by Nantahala to extend the time in which exceptions to the panel order of September 2, 1981 and notice of appeal therefrom may be filed and to suspend or delay the effective date of decretal portions of said order filed
September 11, 1981	Exhibit Nantahala Power and Light Company's Case on Appeal with the North Carolina Court of Appeals (Per Memorandum from Commissioner Tate) filed
September 14, 1981	Tapoco and Alcoa's Statement in support of Nantahala's Motion for extension of time in which to file exceptions filed
September 22, 1981	Order allowing extension of time to file exceptions and stay
October 8, 1981	Letter from Nantahala regarding creation of a Negotiation Team filed
October 9, 1981	Letter from Commissioner to Nantahala Power and Light Company regarding Nantahala Negotiations with TVA for replacement of New Fontana Agreement
October 19, 1981	Respondent's Exceptions and Brief; Notice of Appeal; Motion for Reconsideration; and Request for Oral Argument filed
October 19, 1981	Brief of Nantahala in Support of its Exceptions filed

<u>Date</u>	<u>Proceedings</u>
October 19, 1981	Nantahala's Motion to Rescind, Alter, or Amend Order and For Oral Argument and Further Hearings on Exceptions filed
October 19, 1981	Exceptions of Nantahala to Order entered on September 2, 1981 reducing Rates and Requiring Refund. Notice of Appeal therefrom to the North Carolina Court of Appeals filed
October 26, 1981	Intervenors' Initial Response to the Applicant's and Respondents' Exceptions, Notices of Appeal, Briefs on Exceptions and Motions for Oral Argument, Reconsideration and Further Hearing filed
October 27, 1981	Motion to Extend Time for Settling and Filing Record on Appeal filed
October 28, 1981	Order allowing time to file response and settling exceptions for oral argument
October 30, 1981	Public Staff's Response to Nantahala's Motion to extend time for settling and filing record on appeal filed
November 3, 1981	Answer to Intervenor's Initial response to the applicant's and respondents' exceptions, Notices of Appeal, Briefs on Exception and motions for Oral Argument, Reconsideration and Further Hearing filed

<u>Date</u>	<u>Proceedings</u>
November 4, 1981	Order granting extension of time to file proposed record on appeal
November 30, 1981	Intervenors' Joint Brief in Opposition to Exceptions filed
December 7, 1981	Respondents' Reply Brief to Intervenors' Joint Brief in Opposition to Exceptions filed
December 10, 1981	Letter from Alcoa regarding removal of Reamy Ancarrow from the list of [counsel] appearing on behalf of Alcoa and Tapoco, Inc. filed
December 16, 1981	Order Accepting Reply Brief for Consideration and Allowing Time to File Proposed Findings filed
December 23, 1981	Exceptions of Nantahala Power and Light Co. to Portions of Order of Panel Issued December 16, 1981
December 30, 1981	Respondents' Exceptions to Order of December 16, 1981 filed
January 15, 1982	Response of Nantahala to Order of Commission of December 16, 1981, Authorizing Filing of "Comments or Memoranda or Proposed Findings, with Respect to the Federal Questions" raised in this Docket filed
January 15, 1982	Intervenors' Proposed Order Entitled: Final Order Overruling Exceptions and Giving Supplementary Conclusions filed
January 20, 1982	Transcript of oral argument mailed



<u>Date</u>	<u>Proceedings</u>
January 20, 1982	Respondents' Motion to Reject Intervenor's Proposed Order and for Extension of Time filed
January 28, 1982	Final Order Overruling Exceptions and Giving Supplementary Conclusions
February 3, 1982	Motion of Nantahala for Stay of January 28, 1982 Order filed
February 17, 1982	Order Allowing Stay
February 19, 1982	Order clarifying Order of Stay
March 23, 1982	Respondents' Exceptions to Order of January 28, 1982; Notice of Appeal; and Motion for Reconsideration filed
March 23, 1982	Exceptions of Nantahala Power and Light Company to Order Entered on January 28, 1982; Motion for Rehearing; and Notice of Appeal Therefrom to the North Carolina Court of Appeals filed
March 24, 1982	Nantahala's Rate Schedules filed
March 24, 1982	Nantahala's Proposed Plan for Making Refunds filed
April 2, 1982	Response of Intervenor to Nantahala's Proposed Plan for Making Refunds filed
April 2, 1982	Order Allowing Extension of Time to File Record on Appeal
April 8, 1982	Supplemental Response of Intervenor's to Nantahala's Proposed Plan for Making Refunds filed

<u>Date</u>	<u>Proceedings</u>
April 13, 1982	Response of Alcoa to Intervenor's Motion to Require Alcoa to Join in a Refund Plan with Nantahala filed
April 16, 1982	Motion for Filing and Settling Record on Appeal filed
April 16, 1982	Intervenor's Reply to Response of Alcoa Regarding Nantahala's Refund Plan filed
April 19, 1982	Reply of Alcoa to Intervenor's Response filed on April 8, 1982
April 20, 1982	Answer to Response and Supplemental Response of Intervenor to Nantahala's Proposed Plan for Making Refunds filed
May 4, 1982	Order Rejecting Nantahala's Proposed Refund Plan and Requiring Nantahala and Alcoa to file a Joint Plan
May 5, 1982	Order denying motion for reconsideration and rehearing filed
May 24, 1982	Respondent's Proposed Record on Appeal
June 25, 1982	Intervenor's Notice of Partial Approval of Proposed Record on Appeal With Objections and Amendments filed
July 8, 1982	Letter to Chairman from Nantahala regarding the Record on Appeal filed
August 17, 1982	Errata Order



<u>Date</u>	<u>Proceedings</u>
August 17, 1982	Order Prescribing Joint Refund Plan
August 20, 1982	Exceptions to and Notice of Appeal From Commission's Order of August 17, 1982 filed
August 23, 1982	Notice From Court of Appeals, Order Appointing Referee filed
August 25, 1982	Intervenor's Reply to Response of Alcoa and Tapoco to Intervenor's Motion for a Nunc Pro Tunc Ruling on Admission of Exhibit filed
August 27, 1982	Motion to Stay filed
September 1, 1982	Order Nunc Pro Tunc declaring Intervenor's Exhibit L was admitted into evidence
September 1, 1982	Order Denying Motion for Stay
September 1, 1982	Intervenors' Response to Nantahala's Motion for Stay filed
September 2, 1982	North Carolina Court of Appeals Order filed
September 3, 1982	Alcoa's Motion for Stay filed
September 8, 1982	Report of Referee filed
September 9, 1982	Amended Report of Referee
September 9, 1982	Respondent's Exceptions to Orders of August 17, 1982 and September 1, 1982 and Notice of Appeal filed
September 10, 1982	North Carolina Court of Appeals Order filed
September 10, 1982	Order Denying Motion for Stay

<u>Date</u>	<u>Proceedings</u>
September 13, 1982	Exceptions of Nantahala to Nunc Pro Tunc Order Issued on September 1, 1982 and Notice of Appeal filed
September 13, 1982	Exceptions of Nantahala to Order Denying Motion to Stay and Notice of Appeal
September 15, 1982	North Carolina Court of Appeals Order regarding order of June 8, 1982 filed
September 15, 1982	North Carolina Court of Appeals Order regarding order of August 17, 1982 filed
September 15, 1982	Respondent's Exceptions to Order of September 10, 1982 and Notice of Appeal
September 27, 1982	North Carolina Court of Appeals Order filed
March 3, 1983	North Carolina Court of Appeals Order filed
March 28, 1983	Alcoa's Memorandum in Support of Nantahala Petition for Continuance of Stay filed with the North Carolina Court of Appeals
April 11, 1983	Letter to North Carolina Court of Appeals regarding "Alcoa's Response to Appellees' Renewed Motion for Reconsideration of Stay Order" and Certificate of Service
April 22, 1983	North Carolina Court of Appeals Order filed

<u>Date</u>	<u>Proceedings</u>
May 4, 1983	Letter from Lanier, Deputy Clerk of the North Carolina Court of Appeals regarding having a Certified Copy of Petition in this case prepared and delivered to Clerk of Supreme Court filed
May 9, 1983	Letter from North Carolina Court of Appeals regarding Preparation of Record for North Carolina Supreme Court filed
May 9, 1983	Response to Nantahala's Motion for Amendment to Order filed before the North Carolina Court of Appeals
May 18, 1983	Alcoa's Undertaking to Pay Money filed
May 20, 1983	North Carolina Court of Appeals Order filed
May 20, 1983	North Carolina Supreme Court order denying Petitioner's Writ of Certiorari filed
May 24, 1983	Response of Appellees in Opposition to Acceptance of Alcoa's Undertaking to Pay Money filed
May 27, 1983	Letter from Attorney David Poe regarding Letter from R.L. Holz, Alcoa Authorizing the Undertaking to Pay Money filed with the North Carolina Court of Appeals on May 18, 1983 filed
June 6, 1983	Alcoa's Motion for Leave to Respond and Response of Alcoa to "Response of Appellees in Opposition to Acceptance of Alcoa's Undertaking to Pay Money" filed

<u>Date</u>	<u>Proceedings</u>
June 14, 1983	Order of North Carolina Court of Appeals denying response in opposition to acceptance of Alcoa's undertaking filed
September 23, 1983	Application to Issue Securities and Petition to determine refund responsibility filed
November 14, 1983	Order Granting Authority to Sell Senior Securities and Denying Petition to Determine Refund Responsibility filed
December 22, 1983	Alcoa's Petition for Writ of Supersedeas or Stay Motion for Temporary Stay filed
December 28, 1983	North Carolina Court of Appeals Judgment filed

#### DOCKET OF THE NORTH CAROLINA COURT OF APPEALS

<u>Date</u>	<u>Proceedings</u>
October 6, 1982	Record filed in the North Carolina Court of Appeals
October 6, 1982	Docket fee paid
November 18, 1982	Motion to file amicus curiae brief
November 22, 1982	Alcoa Appellant's Brief, filed with the North Carolina Court of Appeals
November 22, 1982	Nantahala's Brief filed
November 22, 1982	Tapoco's Brief filed
December 2, 1982	Order denying Motion to file amicus curiae brief
December 3, 1982	Motion for extension of time in which to file brief filed

<u>Date</u>	<u>Proceedings</u>
December 6, 1982	Order allowing Motion for extension of time to file brief
January 7, 1983	Intervenors-appellees Motion to Quash Joint Brief filed
January 27, 1983	Order denying motion to quash
July 8, 1983	Motion of Alcoa and Tapoco for extension of time for argument filed
July 11, 1983	Order denying motion to extension of time for argument
August 11, 1983	Motion for Limited Admission to Practice filed
August 15, 1983	Order allowing limited admission to practice
August 24, 1983	Motion to supplement record filed
August 25, 1983	Oral argument before the North Carolina Court of Appeals
September 25, 1983	Motion for remand to North Carolina Utilities Commission filed
October 10, 1983	Order denying motion to remand to North Carolina Utilities Commission
December 6, 1983	Opinion issued by the North Carolina Court of Appeals
December 8, 1983	Order allowing motion to supplement record
December 27, 1983	Record certified
January 18, 1984	Notice of Direct Appeal to the North Carolina Supreme Court filed
January 23, 1984	Record certified to the North Carolina Supreme Court
February 6, 1984	Satisfaction recorded

# **DOCKET OF THE NORTH CAROLINA SUPREME COURT**

<u>Date</u>	<u>Proceedings</u>
April 29, 1983	Petition for Writ of Supersedeas and Stay filed with the North Carolina Supreme Court
May 17, 1983	Order denying writ of supersedeas and stay
December 21, 1983	Petition by Alcoa for Writ of Supersedeas and Temporary Stay filed
December 27, 1983	Petition by Nantahala for Writ of Supersedeas and Temporary Stay filed
December 27, 1983	Order allowing petition for writ of supersedeas and temporary stay
February 9, 1984	Stipulation filed
February 9, 1984	Bond filed by Aluminum Co. of America
January 11, 1984	Alternative PSR
January 19, 1984	Motion to file Amicus Curiae Brief filed
January 20, 1984	Motion for Limited Admission to practice
January 23, 1984	Order allowing motion to file amicus curiae brief
January 23, 1984	Order allowing motion for limited admission to practice
January 23, 1984	Order allowing extension of time to file new brief

<u>Date</u>	<u>Proceedings</u>
January 24, 1984	Motion for extension of time to file new briefs filed
January 26, 1984	Motion for extension of time to file new brief filed
January 26, 1984	Order allowing motion for extension to file new brief
February 22, 1984	Motion for extension of time filed
February 22, 1984	Order allowing motion for extension of time allowed
March 23, 1984	Joint Application of Nantahala, Alcoa and Tapoco for extension of time for oral argument in the North Carolina Supreme Court filed
April 9, 1984	Oral Argument before the North Carolina Supreme Court
May 2, 1984	Order denying extension of time for oral argument
July 3, 1985	Opinion of the North Carolina Supreme Court